

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**CORRECTED  
FISCAL NOTE**

**HB 3063 - SB 3739**

March 15, 2010

**SUMMARY OF BILL:** Prohibits physicians who are registered sexual offenders from practicing medicine on any person under the age of 18. Physicians or osteopathic physicians in emergency care situations are exempted from this prohibition. Violation is a Class E felony.

**ESTIMATED FISCAL IMPACT:**

On March 3, 2010, we issued a fiscal note for this bill. The fiscal note did not contain an assumption identifying the balance of the Board of Medical Examiners. The missing assumption has been added. The fiscal impact has been corrected to reflect the new assumption.

**(CORRECTED)**

**Increase State Expenditures – \$5,800/Incarceration\***

**Not Significant/Board of Medical Examiners**

**Assumptions:**

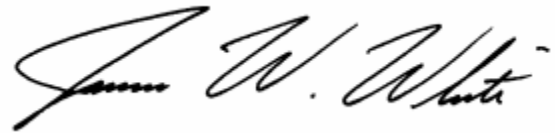
- According to the Department of Health, any rule making or disciplinary action would not result in a significant increase to legal or investigative expenses and could be accommodated within existing resources.
- Pursuant to Tenn. Code Ann. § 4-3-1011, all health-related boards are required to be self-supporting over a two-year period. As of June 30, 2008, the Board had a balance of \$108,302.81. The Board's FY08-09 balance is not yet available.
- According to the Tennessee Bureau of Investigation, there are approximately 13,000 registered sex offenders. The data collected does not indicate whether an offender is a physician. The Department of Correction (DOC) estimate assumes 0.5 percent (65) are licensed physicians and that one Class E felony would occur each year.
- According to the DOC, the average operating cost per offender per day for calendar year 2010 is \$59.86.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period.

- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender every five years. According to DOC, the average post-conviction time served for a Class E felony is 1.31 years (478.48 days). The annualized cost per conviction is \$5,728.36 (0.20 annual number of convictions x 478.48 days x \$59.86).

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/agl